



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

ration caused the religious mysteries of the day to be acted on the High Street near the market cross, at the feast of Corpus Christi. Arcades of massive stone arches, or pent-houses of timber, ran along the streets below in picturesque irregularity. Here the merchant displayed his wares secure from the action of the weather, for then there were no shop windows; and the thrifty housewife on her shopping expeditions had no need to wade along mud-covered footways—the penthouses and arcades, made continuous by the archways in the party walls of each house, affording a covered walk, as may be seen at the present day in Chester, and some other old English towns. I am not indeed hardy enough to uphold that our modern houses may not be more comfortable, according to our present notions of comfort; but I think it can fearlessly be asserted, that in some things there has been a sad falling off. The oriel windows, high pitched gables, and elegantly formed cut stone chimneys of 1589; and the covered arcades extending along the streets, may easily bear away the palm from the stiff rectangular boxes, and mud deluged foot-ways of 1849.

ANCIENT CORPORATION BY-LAWS.

BY THE REV. J. GRAVES.

[*Read at the Meeting of July 4th.*]

The discoveries made in the tombs and temples of Egypt go far to prove, that several of our so called modern inventions were known to that wonderful people many centuries before the Christian Era, and so in like manner my searches amongst the records of our corporation have gone very far to prove that the by-laws and regulations made by Town Councils, and corporate authorities in our enlightened days, and which are supposed to embody all the wisdom of modern law makers, and guardians of the health of towns, are but counterparts of similar regulations, which date from what we, in our self glorifying way, are wont to call the “dark ages.” Of this I now proceed to give the proof: and I should premise that what I am now about to lay before the meeting, is but a very small portion of what might be adduced; indeed I should rather say that it is selected at random from the first pages of an ancient MS. book in the keeping of the Town Clerk, which I shall call the “*Liber Primus*.” These bye laws were composed in the Latin peculiar to the time; which, being scarcely intelligible to the classical scholar, from the barbarisms abounding therein, I shall translate. And first, to

shew the care evinced by our ancestors for the cleanliness and health of the town, I shall advance the following early by-laws :—"Die Veneris prox post festum Santi Michaelis Archangeli anno Dni. M. CCC. trecesimo quinto, ordinatum est et provisum per Gilbertum Ffort Superiorem ville Kilkennie, et communitatem eiusdem ville quod quilibet debet mundare pavementum contra domum suam, et hoc bis in Septimano, videlect, in die Mercurii, et in die Sabbati; et nisi fecerit, quod amercietur VI. d. viz. in die Mercurii in iii. den. in die Sabbati in iii d." "On the Friday after St. Michael's day, A.D. 1335, it was ordained and provided by Gilbert Fort, sovereign of the town of Kilkenny, and the commons of the same, that each person should sweep the pavement before his house, and that twice in the week, to wit, on Wednesday and Saturday, on neglect thereof, to be fined sixpence; threepence for Wednesday, and threepence for Saturday."

Two years after the ensuing laws on the same subject were enacted, viz :—"Die veneris prox post festum S. Michaelis Archangeli anno Dni. M. CCC. trecesimo septimo, ordinatum est et provisum per Johannem Cros superiorem ville Kilkennie et communitatem eiusdem ville, quod si aliquis invenitur lavare vestimenta, aut interiora animalium, aut aliquam aliam rem in fontibus predictæ ville quod sint forisfactæ. Et si aliquis invenitur aliqua alia enormia in predictis fontibus facere, ponatur in tumberello. Item—quod si aliquis inveniatur porcos in cymiterio beate Marie, et ipsos interficiat quod habebit capita predictorum porcorum. Item—ordinatum est quod nemo colligat blada, gleba, nec lignum in vico Kilkennie nisi mundat vicum fori; et se inveniatur quod non mundat vicum fori, ponatur in collistri-gium." "On the Friday next after the day of St Michael the archangel, A.D. 1337, it was ordained and provided by John Cros, sovereign of Kilkenny, and the commons of the same, that if any person be found washing clothes, or the entrails of animals in the public fountains of the town, that such things shall be forfeited, and should any one be discovered committing any other enormity in the aforesaid fountains, he shall be put in the Tumbrell." Item—It is ordained as aforesaid, that whosoever shall find swine in St. Mary's Churchyard, and shall kill them, he shall have the head for his pains." "Item—it is ordained that should any ~~any~~ one collect heaps of corn, earth or wood in the market place, and not cleanse it thereafter, he shall be placed in the pillory."

I shall next cite a law regulating the fish and meat market, and restraining forestallers; and I may here observe that the latter clause of this by-law would go far to prove that a colony of Jews was settled in Kilkenny in the early part of the fourteenth century. This enactment was as follows :—"Die lune prox post diem Cynerum anno Dni. MCCC. trecesimo tertio ordinatum est per Thomam Oweyn superiorem Kilkennie, et communitatem eiusdem ville, quod nullus, quam de villa, tam alii extranei emant aliquos pisces provenientes de mare per

viam de quibuscunque partibus et locis; et qui contra fecerint, et convincerint, primo vice graviter amercientur, et secunda vice abjurent villam. Item ordinatum est &c. quod omnes piscatores et venientes cum piscibus vendendis apud villam predictam, tam illi de villa predicta, quam extranei, pisces suos venales debent totaliter adducere ad communem locum ad hoc ordinatum sine ullo retenemento in aliquibus domibus et stabunt ibi per totam diem vendicioni, et si quid residuum fuerit ultra noctem, quod mane die sequente totum residuum piscium dictorum adducere debent ad locum predictum, et stent ibi vendicioni ut supra, et si qui contra istam ordinationem venerint, et pisces inveniantur in domibus eorum, quod omnes tales pisces sic inventi foris facti sint Communitate predictæ. Item, si qui Carnifices carnes vendant suffematas, vel de morte morina, vel si qui emant de Judeis, et eas vendant Christianis pati debent iudicium Tumberelli."

"On the Monday next after Ash Wednesday, in the year 1333, it was ordained by Thomas Oweyn, Sovereign of Kilkenny and the commons of the same, that no person whatsoever, either belonging to the town or a stranger, shall purchase on the roads fish coming from the sea, and whosoever shall do the like shall for the first offence be heavily fined, and for the second be expelled the town. Also that all fishermen coming to sell fish in the said town, as well strangers as others, shall bring all their fish to the common place appointed for that purpose, without retaining any in private houses, and shall have them there on sale during the entire day; and if any residue shall remain over night, that they should be brought back again in the morning to the aforesaid place, and remain there on sale." "Item, should any butcher sell tainted flesh, or such as has died of the murrain, or buy flesh from Jews, and sell it to Christians, he shall suffer the punishment of the Tumbrell." It may be well to remark that the tumbrell was an instrument of punishment, otherwise known as the "Ducking stool," namely a chair to which the delinquent was bound, and then immersed for a certain number of times in the water, by means of a lever or other machinery. A similar punishment was also denounced against cooks who should dress meat or fish that is not fit for human food, or who having "kept it until its nature is changed, shall then expose it for sale."

Under this year there are also found numerous and most curious regulations respecting the making and sale of bread; and it was enacted that "Si Pistor convictus fuerit, vel Braciatrix convicta quod istas assisas non observaverint, primo, secundo, tertio amercientur secundum quantitatem delicti si non graviter delinquerint, et si graviter delinquerint — paciantur iudicium corporum, scilicet Pistor Collistrigium, et Braciatrix swyngligstol, vel castigatorium."

That should any baker or brewer (the word being in the original, *braciatrix*, indicates by its feminine termination, that this vocation was chiefly followed by women) fail to observe the assize thus made, they

shall for the first, second, and third offence be fined, and for a further breach of the regulations receive corporal punishment; to wit, bakers shall be pilloried, and brewers put in the "Swyngling stool," *i.e.* the tumbrell; it may be gathered from this word, which is not rendered into Latin, that the stool in which the delinquent breweress was placed for punishment, was swung round by some contrivance, immersing her person in the water during some part of its revolution.

I shall conclude this paper, which might be extended to almost any length, such is the abundance of material to be found amongst the Corporation records, with a very judicious and excellent regulation of this date, respecting weights and measures, the relative size of the loaf of bread to the price of corn, and other matters; some portions of which would afford an excellent model to law makers at the present day. In this case I do not give the Latin, as I am compelled to condense the original, which runs to considerable length. "Item, six lawful men shall be sworn faithfully to collect all the weights and measures of the town, and of each kind of bread, one loaf; and shall write distinctly on each measure, weight, and loaf, the name of the owner: they shall also collect the millers' weights. Twelve lawful men shall then be sworn, and the bailiffs shall bring before them the bodies of the bakers and brewers, together with their weights and all as is aforesaid; and they shall make inquest thereof. They then shall make inquest regarding the price of wheat on the last market day, *viz.*, what the quarter of the first, second, and third qualities was sold for; and how the quarter of barley and of oats was sold; they then shall make inquest how the loaves of the bakers answer in weight thereto, *viz.*, the wastel-bread (the finest sort), and the other sorts of bread according to the price of the first, second, and third qualities of wheat; also the ratio whereby the bakers should alter the weight of their loaves, according to the price of corn; and also for what defect of weight the bakers should be fined, and for what defect be placed in the pillory; also, they shall make inquest whether there is a pillory in the said town, and whether men and women can be placed therein without bodily injury. Item, they shall make inquest regarding the sale of wine, ascertain the names of the vintners, and for how much the pint of wine is sold; also whether they sell sour wine, or such as is unwholesome for man's use." On some future occasion I may again recur to this subject; but for the present I shall conclude by observing, that a community capable of framing and carrying out regulations of the nature I have laid before the meeting, must take a high place in the scale of civilization.

ADDENDA ET CORRIGENDA.

Page 8, line 22, for *Richard Purcell O'Gorman* read *Nicholas Purcell O'Gorman*.

Page 17, lines 32 and 36, for *carn* read *cairn*.

Page 18, lines 11 and 16, for *carn* read *cairn*.

Ib., line 41, for *outstriped* read *outstripped*.

Page 19, line 18, for *hand* read *hands*.

Page 21, line 10, for *carn* read *cairn*.

Page 24, line 15, for *was* read *were*.

Page 29, line 15, after *eighteen*, add *to two feet six by twelve*.

Page 48, line 3, for *santi* read *sancti*.

Page 55, line 27, for *intermarrige* read *intermarriage*.

Page 63, lines 23 and 27, strike out the comma after *prosapia* and *colligendum*.

Page 64, line 28, for *consequenee* read *consequence*.

Page 76, line 25, after *grantee of the crown*, add—*Indeed with regard to the Lucas Archer referred to by Mr. Cooke, he was not recognised by the crown, neither did he reside at Holy Cross, as appears by the following extract from the Regal Visitation of 1615 (Library R. I. Academy):—"Sir Lucas Archer, Titular Abbott of the Holy Crosse, and the Pope's Vicar-Generall of the Diocese of Ossory, Archdeacon of the same, dwelling at Kilkenny."*

Page 80, line 41, for *Epipheny* read *Epiphany*.

Ib., line 43, for *assencion* read *ascension*.

Page 89, line 15, after *quarterly*, add—*From a perfect impression of this seal, obtained from Mr. A. Murphy, King-street, Kilkenny, it appeared that the inscription was as follows—SIGILLVM. GARGIANI. GBVWV̄CĒSIS.—the meaning of which was very obscure ; it appeared, however, to have no reference to the Dominican Abbey. The inscription was in Lombardic characters, and the seal seemed to be of the fifteenth century.*

Page 90, line 13, for *mountings* read *mounting*.

Page 91, line 27, for *refer* read *refers*.